

Appl. No. 10/719,263
Atty. Docket No. 9435
Amdt. dated 14 July 2006
Reply to Office Action of April 17, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-4 and 7-12 are pending in the present application. No additional claims fee is believed to be due.

Claim 5 has been cancelled.

Claim 1 has been amended to add the words, "wherein all of said outer surface of said tampon is liquid-absorbing." Support for the amendment is found at page 7, lines 16-28 and page 8, lines 10-21 of the specification.

Claim Language Interpretation

Applicant neither agrees nor disagrees with the Examiner's definition of the terms "intermittently" and "continuously."

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action States that claim 5 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicants has cancelled claim 5.

Rejection Under 35 U.S.C. §102 Over Schoelling (U.S. 2001/0014348) as evidenced by Hirschman (U.S. 4,175,561)

Claims 1-5, 7 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling '348 as evidenced by Hirschman.

With respect to the novelty of claims 1-4, 7 and 11: Applicant respectfully traverses the rejection as Schoelling '348 does not disclose or teach a tampon for feminine hygiene comprising an insertion end, a withdrawal end, a center region, a longitudinal

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axis, and an outer surface, the tampon being comprised of compressed fibrous material, wherein the outer surface of said tampon comprises a plurality of recessed portions, each of the recessed portions comprising a length dimension and a width dimension, wherein the width dimension varies intermittently as measured along the length dimension; and wherein all of the outer surface of said tampon is liquid-absorbing.

In contrast the tampon of Schoelling '348 is substantially enclosed within a cover of fluid impervious plastic material in the form of a resilient three-dimensional web having a multiplicity of perforations. (Page 1, Paragraph 0014) The only absorption of fluid by the tampon is at the holes in the fluid impervious plastic material, not the outer covering of fluid impervious plastic material itself.

Accordingly, the Applicant respectfully submits that claims 1-4, 7 and 11 are novel over Schoelling '348.

Rejection Under 35 U.S.C. §103(a) Over Schoelling (U.S. 2001/0014348) in view of Schoelling (U.S. 2002/0151859)

Claims 8-10 and 12 have been rejected under 35 USC §103(a) as being unpatentable over Schoelling '348 in view of Schoelling '859.

With respect to claims 8-10 and 12 and obviousness: Applicant respectfully traverses the rejection as Schoelling '348 does not disclose or suggest a tampon for feminine hygiene comprising an insertion end, a withdrawal end, a center region, a longitudinal axis, and an outer surface, the tampon being comprised of compressed fibrous material, wherein the outer surface of said tampon comprises a plurality of recessed portions, each of the recessed portions comprising a length dimension and a width dimension, wherein the width dimension varies intermittently as measured along the length dimension; and wherein all of the outer surface of said tampon is liquid-absorbing.

In contrast Schoelling '348 discloses a tampon that is substantially enclosed within a cover of fluid impervious plastic material in the form of a resilient three-dimensional

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web having a multiplicity of perforations. (Page 1, Paragraph 0014) The only absorption of fluid by the tampon is at the holes in the fluid impervious plastic material, not the outer covering of fluid impervious plastic material itself.

Accordingly, the Applicant respectfully submits that claims 8-10 and 12 are non-obvious in view of Schoelling '348 and Schoelling '859.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102, §103 and §112. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of claims 1-4 and 7-12 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
Signature

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